United States District Court

EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

CHAPWOOD CAPITAL INVESTMENT

MANAGEMENT, LLC and ED

BUTOWSKY,

Plaintiffs,

Plaintiffs,

SACTION NO. 4:18-CV-548

JUDGE MAZZANT/JUDGE JOHNSON

V.

CHARLES SCHWAB & CO., INC., et al.,

Defendants.

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF <u>UNITED STATES MAGISTRATE JUDGE</u>

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On October 30, 2018, the Magistrate Judge entered proposed findings of fact and recommendations (Dkt. #15) that the Agreed Joint Motion to Dismiss, Compel Arbitration, and Stay This Civil Action Pending Arbitration (the "Agreed Motion to Dismiss") (Dkt. #14) be **GRANTED**.

Having received the Report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. Therefore, the Agreed Motion to Dismiss (Dkt. #14) is **GRANTED**. The claims of Plaintiffs Chapwood Capital Investment Management, LLC and Ed Butowsky (collectively, "Plaintiffs") against Defendants Charles Schwab Corporation, Schwab Institutional Enterprise, Charles R. Schwab, Bernard J. Clark, Johnathan M. Craig, Joseph R. Martinetto, Nigel J. Murtagh, and William Bell are hereby **DISMISSED WITHOUT PREJUDICE**.

Plaintiffs' claims against Defendants Charles Schwab & Co., Inc., Walter W. Bettinger, II, and Kevin Lewis remain stayed subject to the Magistrate Judge's Order (Dkt. #15) regarding arbitration, dated October 30, 2018.

IT IS SO ORDERED.

SIGNED this 6th day of March, 2019.

AMOS L. MAZZANT

UNITED STATES DISTRICT JUDGE